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TOWNSEND and TOWNSEND and CREW LLP

By: Alvinder Singh

AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE –
EXAMINING GROUP 1652

PATENT

Attorney Docket No.: 020130-001510US

Client Ref. No.: MJP0017

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05.06.08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VANDER HORN and WANG

Application No.: 10/627,582

Filed: July 25, 2003

For: NOVEL COMPOSITIONS WITH
POLYMERASE ACTIVITY

Customer No.: 20350

Confirmation No. 3008

Examiner: Richard G. Hutson

Technology Center/Art Unit: 1652

AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE EXAMINING
GROUP 1652

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This amendment is submitted in response to the Advisory Action mailed November 28, 2007 on Applicants' amendment under 37 C.F.R. § 1.116 that was filed October 30, 2007. The Advisory Action indicated that the October 30, 2007 amendment was not entered. Applicants therefore respectfully request entry of the following amendments and remarks.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks/Arguments begin on page 4 of this paper.

generate an optically detectable signature associated with the elongation product following its incorporation into the probe.

117. (Previously Presented) The method of claim 116 wherein a polymerase is included for mediating the elongation of the probes.

118. (Previously Presented) The method of claims 117 wherein the polymerase lacks 3' -> 5' exonuclease activity.

119. (Currently Amended) The method of any of claims 63 and 64 claim 70 wherein one of the complementary strands of each amplicon pair is selectively removed by digesting it with an enzyme.

120. (Currently Amended) The method of claims ~~120~~ 119 wherein an amplicon is preselected for digestion by phosphorylating the primer incorporated in it.

121. (Currently Amended) The method of any of claims 63 and 64 claim 70 wherein the 3 base segment at the 3' terminus of a probe is perfectly complementary to the subsequence including the designated polymorphism of the complementary amplicon strand.